



News Release

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MSHA issues POV notice to underground silver mine in Colorado *2 mines in Texas and Alabama receive postponement notices*

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration put Star Mine Operations LLC’s Revenue Mine in Ouray County, Colorado, on notice today of a [pattern of violations](#) of mandatory health or safety standards under [Section 104\(e\)](#) of the [Federal Mine Safety and Health Act of 1977](#). Revenue is an underground silver ore operation.

MSHA cited 92 significant and substantial violations at [Revenue Mine](#) during the 12-month review period beginning Aug. 1, 2013, and ending July 31, 2014. The agency identified [patterns of S&S violations](#) related to roof and rib hazards, handling of explosives materials, ventilation and training practices. Fifty-seven of the citations included either high negligence or reckless disregard by the mine operator. The mine’s S&S issuance rate was 15.67 per 100 inspection hours during the review period, compared to a rate of 4.59 for all other underground metal and nonmetal mines during the same period.

S&S violations are violations of a mandatory health or safety standard that “significantly and substantially contributes to the cause and effect of a coal or other mine safety or health hazard.”

MSHA also issued two postponement notices to [Alcoa World Alumina LLC’s Bayer Alumina Plant](#) in Calhoun County, Texas, and [Jesse Creek Mining LLC’s Clark No. 1 Mine](#), an underground coal mine in Shelby County, Alabama. While each mine met the initial screening criteria, each was reviewed for mitigating circumstances as provided for in the POV process, which can result in not issuing or postponing a POV notice.

Twelve of the nation’s more than 14,000 mines – six coal and six metal and nonmetal operations – were identified by [MSHA’s screening process](#) for further evaluation to determine whether a pattern of violations exists. This is the fewest number of coal mines identified for additional screening since MSHA reformed the screening process in 2010. This year marks a 76 percent reduction from 2010, when 51 mines were identified under a prior version of the rule. In 2013, MSHA issued the first four POV notices under its [revised rule](#) that went into effect in March 2013 and replaced the agency’s 2010 reforms.

“No mine had been placed on a POV for the first 33 years of the Mine Act,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “Since we began using this enforcement action, there have been a significant reduction in the number of mines considered chronic violators identified during the POV reviews and major improvements in safety at mines subject to the POV process.”

On Nov. 17, 2013, two miners at Revenue Mine were fatally overcome by high levels of carbon monoxide in an area of the mine where explosives had been detonated the previous day. MSHA has yet to issue citations for violations contributing to the accident, as the investigation by the agency nears completion.

Since 2010, among the mines that have been placed on POV or went through the potential POV process under the prior rule, the number of S&S violations has gone down by 62 percent after entering the POV process, with total violations falling by 38 percent. In addition, the operator-reported rate of lost-time injuries in these mines has gone down 48 percent.

In August 2013, MSHA launched its [S&S rate calculator](#), which enables mine operators who implement a corrective action program to determine if their mine is successfully reducing its S&S violations. The calculator complements MSHA's [POV monitoring tool](#), which allows mine operators to monitor performance under the POV screening criteria and take corrective actions.

Under the Mine Act, MSHA is required to identify mines exhibiting a pattern of S&S violations. The agency is also authorized to issue POV notices to mine operators that, through this pattern, demonstrate a disregard for the health and safety of miners. If a mine receives notice of a POV, Section 104(e) requires all subsequent violations designated as S&S be issued as withdrawal orders, with all persons withdrawn from the affected area except those necessary to correct the violation. An operator can be removed from Section 104(e) sanctions if no S&S violations are found within 90 days of the POV notice's issuance. Failing that, a POV designation can be terminated only after an inspection of the entire mine results in no S&S violations.

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